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COMMITTEE ON ECONOMIC, SOCIAL,
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee
on Economic, Social and Cultural Rights

ICELAND

1. The Committee considered the initial report of Iceland (E/1990/5/Add.6 and E/1990/5/Add.14) concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights at its 30th to 32nd meetings, held on 25 and 26 November 1993 and adopted* the following comments:

A. Introduction

2. The Committee expresses its appreciation to the State party for its detailed report, which has been prepared in accordance with the Committee's guidelines, and for engaging in a constructive dialogue with the Committee. It notes with satisfaction that the information submitted in the report and that provided by the delegation in reply to both written and oral questions in the course of consideration of the report, enabled the Committee to obtain a comprehensive view of Iceland's compliance with its obligations under the International Covenant on Economic, Social and Cultural Rights. The Committee appreciates the submission by the Government of Iceland of written replies to its list of issues. The Committee considers that the form and content of the dialogue established between the Government of Iceland and the Committee can be considered as a model. The Committee, however, regrets that the initial report was submitted with considerable delay.

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* At the 46th meeting (ninth session), held on 8 December 1993.

B. Positive aspects

3. The Committee welcomes the efforts undertaken by the Government of Iceland in order to implement the rights recognized in the Covenant. It notes with satisfaction that the Government of Iceland pays a great deal of attention in its activities to the promotion and protection of economic, social and cultural rights in accordance with the obligations undertaken under article 2 of the Covenant and that the Government has in recent years enacted a series of important laws of direct relevance to these rights.

4. In that regard, the Committee notes with particular satisfaction that the Law No. 28/1991 on Equal Status and Equal Rights of Women and Men secures equal rights of men and women in general, and not only with regard to remuneration, as had been the case before the adoption of that law. The Committee also notes with interest the establishment of the Equal Rights Council with the aim of ensuring the proper implementation of the Equal Rights Law and forming the policies to be followed by the authorities in matters concerning gender equality. The Committee also welcomes the establishment of a Committee to hear and investigate complaints relating to alleged instances of gender discrimination. The Committee noted with interest, in the context of the measures undertaken to implement provisions of articles 3 and 7 of the Covenant, the work being carried out by the Icelandic Wage Investigation Committee and the adoption by the Government in 1988, on the initiative of the Equal Status Council and the Ministry of Social Affairs, of the equal opportunity programmes to be implemented by ministries and State institutions.

5. The Committee expresses its appreciation for the range and quality of the services provided to the whole population, including particularly the elderly, in relation to social security, protection of the family, health care and education.

6. The Committee appreciates the amendments to the legislation concerning unemployment insurance (Law 69/1993), which, in contrast to previous legislation, extends benefits also to non-members of a trade union. It also appreciates information according to which, at current, all workers between age 16 and 71, resident in Iceland, are entitled to the unemployment benefits, the only condition being that they have worked in the previous 12 months for a total of no less than 425 hours in insurable employment and that benefits have been extended to the self-employed.

C. Factors and difficulties impeding the application of the Covenant

7. The Committee is aware of the difficulties encountered by Iceland with regard to the full implementation of the right to strike embodied in article 8 of the Covenant, which the State party attributes to the fact that the economy of Iceland is heavily dependent upon fishing. In view of the Committee, this circumstance does not relieve the State party of its obligation to take steps with a view to achieving progressively the full realization of the rights recognized in the Covenant, including the right to strike.

D. Principal subject of concern

8. The Committee notes that, in spite of numerous legislative measures undertaken to ensure equality between the sexes, inequality between men and women still exists in practice, especially in relation to the rights recognized in articles 6 and 7 of the Covenant. The Committee encourages the Government to continue its endeavours to eliminate the persisting disparities in relation to remuneration for men and women.

E. Suggestions and recommendations

9. The Committee recommends that the State party should accord equal treatment to both International Human Rights Covenants in terms of their domestic legal status and that if measures are taken to incorporate civil and political rights treaty obligations consideration is given to similar measures in relation to economic, social and cultural rights.

10. The Committee emphasizes that further measures should be taken to ensure that the provisions of the Covenant are more widely disseminated, particularly among the legal profession and members of the judiciary.

11. The Committee urges that the reporting obligations of the State party under articles 16 and 17 of the Covenant be strictly observed and that the second periodic report be submitted within the time-limit to be determined by the Committee.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

MEXICO

1. The Committee considered the second periodic report of Mexico on articles 1-15 of the International Covenant on Economic, Social and Cultural Rights at its 32nd, 33rd, 34th and 35th meetings held on 29 and 30 November 1993 and adopted* the following concluding observations.

A. Introduction

2. The Committee thanks Mexico for its report, which was prepared in accordance with its guidelines, and notes with appreciation that it engaged in a fruitful dialogue with the Committee. It welcomes the written information provided by the Government in reply to the questions set out in the list of issues (E/C.12/1993/WP.16) which were communicated to it before the session. The supplementary information provided by the representatives of the State party and their knowledge of matters connected with the Covenant made it possible to engage in an open, frank and constructive dialogue between the State party and the Committee.

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* At the 49th meeting (ninth session), held on 10 December 1993.

B. Positive aspects

3. The Committee welcomes the efforts made by the State party to carry out a number of programmes and reforms designed to solve the serious economic, social or cultural problems being encountered by the country. It notes the many activities being carried out by the Mexican Human Rights Commission.

4. The Committee notes the adoption of the National Development Plan 1989-1994 (NDP) which aims inter alia at facilitating progress in the solution of the country's unemployment problem as well as the Solidarity Programme (PRONASOL), the objective of which is to enhance the opportunities of the socially deprived for earning a livelihood. The Committee also welcomes the statement of the Government that the efforts are being made in assisting agricultural workers to organize with the assistance of the Agricultural Attorney's Office.

C. Factors and difficulties impeding the implementation of the Covenant

5. The Committee notes that the Government should continue to tackle the economic and social difficulties that are ingrained in the country and characterized by considerable foreign indebtedness, the inadequacy of budgetary resources earmarked for essential social services and the unequal distribution of national wealth. These difficulties severely affect the most vulnerable segments of society, and in particular children, persons living below the poverty threshold and those belonging to minority groups, such as the many indigenous peoples; they are relevant to the departure of many Mexican migrant workers abroad.

D. Principal subjects of concern

6. The Committee finds it disturbing that a particularly large number of persons live in extreme poverty. In this connection it notes with concern the decline in the purchasing power of the minimum wage during recent years since it is no longer adequate to enable people to live above the poverty line.

7. Another source of concern is the situation of many children, namely, abandoned children, street children or children in extremely difficult circumstances, who are unable to enjoy the economic, social and cultural rights set out in the Covenant and who are particularly vulnerable to criminality, drug addiction and sexual exploitation. A very large percentage of children (34 per cent), concentrated in particular in areas with a large Indian population, appear to have left school without even having been able to complete their primary education and are therefore in a situation that is extremely conducive to various forms of exploitation.

8. The Committee notes with concern the economic, social and cultural situation of many indigenous groups who suffer from the difficult conditions brought about by the economic situation and by the imbalance of wealth in the country. It notes the difficulties being experienced by these groups in

preserving their culture and in teaching their language. It notes that although the Government publishes and distributes textbooks in 25 languages free of charge, overall government programmes devoted to these groups nevertheless remain inadequate.

9. The Committee is also concerned at the fact that a large segment of the population of Mexico have to endure inadequate living and housing conditions, without access to basic services such as sewage and potable water.

10. The Committee is concerned at the prevalence of forced evictions in both urban and rural areas of Mexico. Of particular concern to the Committee is the large number of people already evicted or threatened with eviction due to the lack of adequate protection.

E. Suggestions and recommendations

11. The Committee recommends that efforts should be made to curb the decline in the purchasing power of the minimum wage and to redeploy certain budgetary resources to benefit the most vulnerable segments of society, and particularly children and persons living below the poverty line. Resources should be made available for indigenous groups to enable them to preserve their language, culture and traditional way of life, and at the same time to promote the economic, social and cultural rights provided for in the Covenant. The Committee recommends in particular that the State party should take energetic steps to mitigate any negative impact that the North American Free Trade Agreement (NAFTA) might have on the enjoyment of the rights set out in the Covenant.

12. The Committee recommends that the Mexican Human Rights Commission should, in the future, devote greater attention to economic, social and cultural rights.

13. The Committee recommends that steps should be taken urgently to overcome the grave housing crisis in the country. It further recommends the speedy adoption of policies and measures designed to ensure adequate civic services, security of tenure and the availability of resources to facilitate access by low-income communities to affordable housing. The Committee also recommends the increased construction of rental housing, as well as adoption of other measures to enable Mexico to comply fully with its obligations under article 11 of the Covenant, as dealt with in General Comment No. 4 of the Committee.

14. The Committee urges the State party to desist from policy measures that lead to large-scale evictions. It recalls General Comment No. 4 in which it noted that "the Committee considers that instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law".

15. The Committee also recommends that the State party should take vigorous steps in the spheres of education and culture and recalls in this connection that, under article 13 of the Covenant, primary education should be compulsory and available free to all.

16. The Committee wishes to bring to the attention of the State party the need to ensure that structural adjustment programmes are so formulated and implemented as to provide adequate safety nets for the vulnerable sectors of society in order to avoid a deterioration of the enjoyment of the economic, social and cultural rights for which the Covenant provides protection and which are generously enshrined in the Constitution of Mexico.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights

Germany

1. The Committee considered the second periodic report of Germany (E/1990/7/Add.12) concerning the rights covered by articles 13 to 15 of the International Covenant on Economic, Social and Cultural Rights at its 35th and 36th meetings, held on 30 November and 1 December 1993 and adopted* the following comments:

A. INTRODUCTION

2. The Committee expresses its appreciation to the State party for the detailed report submitted which was however only up-to-date as of 1989. The Committee also notes with regret that the State party was not able to appear before it as originally scheduled at its eighth session.

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* At the 46th meeting (ninth session), held on 8 December 1993.

3. The Committee notes that the German delegation was able to respond to many, but not all, of the written questions contained in the list of issues prepared in connection with the consideration of the report as well as to most of the oral questions raised by the Committee members during the debate. It points out, nevertheless, that more information would be necessary with regard to the effects of the recent German unification on education and the problems resulting from it.

4. The Committee takes note also of the commitment taken by the German Government to submit shortly in a "core document" general information concerning the State party.

B. POSITIVE ASPECTS

5. The Committee welcomes the efforts undertaken by the Government of Germany to implement the rights recognized in articles 13 and 15 of the Covenant.

6. The Committee welcomes, in particular, the efforts made by the Government of Germany to provide adequate general and vocational education for migrants living in Germany.

7. In addition, the Committee takes note of the measures which are being taken by the German authorities with regard to persons of German origin coming from other countries.

C. PRINCIPAL SUBJECTS OF CONCERN

8. The Committee has taken note of the comprehensive explanations provided by the German delegation concerning the conditions of employment in the public service of personnel of the former German Democratic Republic, especially teachers, and the reasons for dismissing some of them. However, the Committee points out that concerns about discrimination in employment of teachers of the new Länders have been raised by the ILO Committee of Experts on the Application of Conventions and Recommendations in its 1993 report to the International Labour Conference. In addition, similar concerns have been raised by a non-governmental organization. The Committee recalls, in that connection, that access to and conditions of employment should be based strictly on objective criteria relating to work in accordance with the Covenant and ILO Convention No. 111: Discrimination (Employment and Occupation), 1958 and that discrimination in employment on the ground of political opinion should be explicitly prohibited under the law.

9. In addition, the Committee expresses concern over the disparity which appears to exist in Germany between men and women with regard to educational achievements and the participation of women in all levels of education and professional careers, despite the efforts made by the German authorities.

D. SUGGESTIONS AND RECOMMENDATIONS

10. The Committee recommends that positive action be taken by the German authorities to guarantee ideologiocal pluralism in education and equality of opportunities of men and women in that field in accordance with the relevant provisions of the International Covenants on Human Rights.

11. The Committee recommends also that the next periodic report of Germany relating to articles 1 to 15 of the Covenant include information on the effects of the unification of the country on education and, in particular, updated statistical data on budgetary allocations and expenditures relating to educational and cultural activities. It should also indicate whether differences exist between the cultural development and the level of education of the new Länders and the other parts of the country and, if so, what special measures have been taken in that regard. More information would also be welcome on measures adopted to ensure the development and dissemination of science and of culture, in particular, through the media. In addition, information should be provided on measures taken to facilitate the access and the participation of the elderly in educational programmes and the cultural life of the country.

12. The Committee requests that the German authorities should respect the rights of teachers, professors and other educational personnel of the former German Democratic Republic so that they may continue to exercise their professional activities and to participate to the fullest possible extent in cultural life without any discrimination.

13. The Committee urges the State party to accord the equal treatment to both of the International Human Rights Covenants in relation to human rights education in school curricula as well as mass media information and dissemination.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
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Concluding observations of the Committee on
Economic, Social and Cultural Rights

SENEGAL

1. The Committee considered the initial report of Senegal concerning the rights covered by articles 6 to 9 of the International Covenant on Economic, Social and Cultural Rights (E/1984/6/Add.22) at its 37th and 38th meetings held on 1 and 2 December 1993, and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation for the detailed report submitted by the State party and the additional information provided by the delegation in response to the Committee's questions and comments. The Committee regrets, however, that the report was submitted nearly 10 years late. In this regard, the Committee welcomes the assurance of the delegation that its second periodic report, due in 1994, will be submitted without delay.

* At the 49th meeting (ninth session), held on 10 December 1993.

B. Positive aspects

3. The Committee notes with satisfaction the level of support accorded to international human rights activities by Senegal and, in general, the steps taken to fulfil its obligations under the various human rights instruments. In this regard, the Committee takes note of the information provided by the delegation indicating that those instruments are applicable in domestic law and that on a number of occasions those instruments have been invoked in courts of law.

4. The Committee welcomes indications by the delegation that the reports submitted to the human rights treaty bodies and the concluding observations adopted pursuant to those reports are made freely available to interested groups and individuals.

C. Factors and difficulties impeding the implementation of the Covenant

5. The Committee notes that economic factors, including difficulties caused by external debt servicing, have impeded the application of the Covenant. In this respect, the Committee notes with concern that short-term considerations applied in its structural adjustment policy have not adequately taken into account the long-term impact of reduced investment in the social sector.

D. Principal subjects of concern

6. The Committee is concerned that, in general, the State party has not provided satisfactory information concerning measures envisaged to improve the enjoyment of the rights covered under the Covenant, particularly with respect to the situation of women, youth and other vulnerable groups. The Committee is concerned with the extent to which women enjoy the rights contained in the Covenant, particularly with respect to articles 6 and 7. While noting that some progress has been achieved in this regard, there are continuing impediments to equality of access to employment. The Committee is particularly concerned that significantly lower literacy rates for women as well as certain cultural practices seriously compromises their opportunities for employment and advancement.

7. The Committee notes with alarm that budgetary cutbacks carried out in the educational sector under the programme of structural adjustment will have serious social and economic consequences for the future of the country. In this connection, the Committee is concerned over restrictions on school enrolment which have been undertaken with a view to reducing the number of qualified applicants to administrative posts in the public sector. The Committee is also concerned over the high proportion of drop-outs from general technical secondary education which has reached the level of 35 per cent of total enrolment.

8. The Committee is concerned over the full enjoyment of trade union rights as provided for under article 8 of the Covenant. In this regard, the Committee notes that foreign workers are barred from holding trade union office and that authorities may unduly restrict the right to strike by imposing compulsory arbitration.

E. Suggestions and recommendations

9. The Committee recommends that the State party undertake a systematic and comprehensive review of the relevant legislation, administrative procedures and policies to give effect to economic, social and cultural rights, in order to ensure that they conform to the requirements of the Covenant. Special attention should be paid to those areas concerning women and other vulnerable groups.

10. The Committee recommends that the State party, in its second periodic report which is due in 1994, provide focused information on the situation of women and other vulnerable groups and, in particular, measures taken and foreseen to facilitate the enjoyment of their rights under the Covenant. The State party should also provide the Committee with fuller information on the jurisprudence relating to the rights contained in the Covenant and measures envisaged to overcome the difficulties encountered in the implementation of the Covenant.

11. The Committee recommends that the State party undertake a thorough review of its policies with regard to education and vocational training with a view to expanding budgetary allocations for this section, expanding access to education and, in particular, reducing the number of student drop-outs. In this connection, the Committee underlines the importance of higher education and vocational training in developing a robust economy. The Committee suggests that the State party report more fully on this issue in its second periodic report.

12. The Committee recommends that the State party consider amending the relevant national legislation with a view to permitting foreign workers to hold trade union office and limiting the powers of authorities to restrict the right to strike by imposing compulsory arbitration.

13. In order to encourage and facilitate greater public involvement in the implementation of the Covenant, the State party should ensure that adequate publicity is given to the Covenant, its provisions are translated into local languages and its report to the Committee along with these concluding observations are made available to interested groups and individuals.

14. The Committee wishes to bring to the attention of the State party the need to ensure that structural adjustment programmes are so formulated and implemented as to provide adequate safety nets for the vulnerable sectors of society in order to avoid a deterioration of the enjoyment of the economic, social and cultural rights for which the Covenant provides protection.